

SENATE BILL No. 274

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-7-14; IC 34-6-2-54; IC 34-44-3; IC 34-51-1-4.

Synopsis: Entitlement to certain payments related to injury. Specifies that an attorney and a health care provider are entitled to priority in payment for services rendered to an injured person in connection with the person's injury.

Effective: July 1, 2010.

Taylor

January 11, 2010, read first time and referred to Committee on Insurance and Financial Institutions.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 274

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-7-14 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2010]:

4 **Chapter 14. Entitlement to Certain Insurance Payments for**
5 **Injuries**

6 **Sec. 1. As used in this chapter, "health care provider" has the**
7 **meaning set forth in IC 34-18-2-14(1).**

8 **Sec. 2. As used in this chapter, "insurance policy" means an**
9 **insurance policy that provides coverage for bodily injury.**

10 **Sec. 3. An insurance policy must specify that, in the event of a**
11 **bodily injury to which the policy applies:**

12 (1) except as provided in subdivision (2), a health care
13 provider that provides services to the injured person because
14 of the person's injury is entitled to payment of the health care
15 provider's reasonable charges for the services provided to the
16 injured person before any other person, including the injured
17 person, is paid from the proceeds of the insurance policy in

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connection with the injury; but

(2) an attorney who represents:

(A) a health care provider;

(B) an injured person; or

(C) a representative of an injured person;

described in subdivision (1) in connection with the injury is entitled to payment of the attorney's reasonable fees for the representation from the proceeds of the insurance policy before a health care provider receives payment under subdivision (1).

SECTION 2. IC 34-6-2-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 54. (a) "Health care provider", for purposes of IC 34-18, has the meaning set forth in IC 34-18-2-14.

(b) "Health care provider", for purposes of IC 34-30-12.5, has the meaning set forth in IC 34-30-12.5-2.

(c) "Health care provider", for purposes of IC 34-44-3 and IC 34-51-1-4, has the meaning set forth in IC 34-18-2-14(1).

SECTION 3. IC 34-44-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]:

Chapter 3. Entitlement to Certain Payments Related to Injuries

Sec. 1. Except as provided in section 2 of this chapter, a health care provider that provides services to an injured person because of the person's injury is entitled to payment of the health care provider's reasonable charges for the services provided to the injured person before any other person, including the injured person, is paid from proceeds payable by a third party to the injured person or a representative of the injured person under an insurance policy, settlement, or judgment in connection with the injury.

Sec. 2. An attorney who represents:

(1) a health care provider;

(2) an injured person; or

(3) a representative of an injured person;

described in section 1 of this chapter in connection with an injury is entitled to payment of the attorney's reasonable fees for the representation from the proceeds referred to in section 1 of this chapter before a health care provider receives payment under section 1 of this chapter.

SECTION 4. IC 34-51-1-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2010]: **Sec. 4. Entitlement to certain payments related to injuries**
2 **is governed by IC 34-44-3.**

3 **SECTION 5. [EFFECTIVE JULY 1, 2010] (a) IC 27-7-14, as**
4 **added by this act, applies to an insurance policy that is issued,**
5 **delivered, amended, or renewed after June 30, 2010.**

6 **(b) IC 34-44-3, as added by this act, applies to payments related**
7 **to injuries that occur after June 30, 2010.**

8 **(c) This SECTION expires July 1, 2015.**

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